

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

187V0130

SENATE ENGROSSED NO. **SB 163** - 02/11/2014

Introduced by: Senators Lucas, Begalka, Bradford, Buhl O'Donnell, Jensen, Jones (Tom), Kirkeby, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Sutton, Tieszen, Van Gerpen, and Welke and Representatives Hickey, Bartling, Bolin, Craig, Duvall, Ecklund, Gibson, Greenfield, Hawks, Hoffman, Hunhoff (Bernie), Kaiser, Killer, Kopp, Latterell, Magstadt, May, Mickelson, Munsterman, Olson (Betty), Parsley, Qualm, Schaefer, Schoenfish, Sly, Soli, Steele, Tulson, Tyler, Verchio, and Werner

1 FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the underage
2 consumption of alcoholic beverages on the social host's premises and to provide penalties
3 therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person, acting as a social host, may, knowingly, permit any person under the age of
8 eighteen to illegally consume any alcoholic beverage, regardless of the source of the alcoholic
9 beverage, on or at the premises of the person acting as social host. Any violation of this section
10 is a Class 1 misdemeanor.

11 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
12 follows:



1 No person, acting as a social host, may, knowingly, permit any person aged eighteen,
2 nineteen, or twenty to illegally consume any alcoholic beverage, regardless of the source of the
3 alcoholic beverage, on or at the premises of the person acting as social host. Any violation of
4 this section is a Class 2 misdemeanor.

5 Section 3. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 It is a defense against a conviction for a violation of sections 1 and 2 of this Act that,
8 immediately upon learning of the illegal consumption, the social host or an agent of the social
9 host took effective and appropriate action to stop the illegal consumption and to secure or to
10 attempt to secure the contraband alcoholic beverages.

11 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 It is not a defense of a violation of sections 1 and 2 of this Act that the social host was not
14 physically present on or at the premises if the social host knew that illegal consumption of
15 alcoholic beverages would occur in his or her absence.

16 Section 5. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 For purposes of this Act, the term, social host, means anyone who hosts a social gathering
19 and knowingly condones the illegal consumption of alcohol by underage minors on property that
20 the host controls.